

Attention contractors: Worker safety and health *do* affect your insurance premium

As a contractor, you know that to be insured, you are required to comply with the U.S. Department of Labor, Division of Occupational Safety and Health Administration regulations. Insurance carriers know OSHA regulations reduce worker injuries and illnesses, thus reducing their liability and improving their bottom line. Think of OSHA violations as traffic violations—the more you have, the greater risk you present to your insurance company, and the higher your premium will be. The trick is to avoid costly OSHA violations and fines.

I only have a couple of employees; am I still bound by OSHA regulations?

Regardless of the size of your business—if you have employees, you must comply with OSHA regulations.

What are my basic responsibilities as an employer?

Occupational Safety and Health (OSHA) requires each employer to recognize and avoidance of the conditions ... to control or eliminate any hazards ... exposure to illness or injury. OSHA wants to see proof that employees have been trained. Most training is required on a yearly basis.

Furthermore, OSHA requires a competent person on every job site. A competent person, according to OSHA, is one who “is capable of identifying existing and predictable hazards in the working conditions which are hazardous or dangerous to employees who has authorized the prompt corrective measures.” OSHA considers to stay safe to be the responsibility of the employer to initiate and maintain a health and safety program. OSHA requires for most employers regular inspections of job sites, materials and equipment, and competent design by the employers.”

How do I handle inspections? How are violations handled?

Yes, most of the OSHA record-keeping requirements is the 300 form (OSHA 200 form). Recordable injuries and illnesses must be recorded on OSHA 300 form or equivalent. To help you understand what injuries or illnesses must be recorded, please refer to Figure 1 at the end of this flier. In addition, this form must be posted from Feb. 1 to April 1 for the previous year. The only exception to this rule is employers with 10 or fewer employees. In addition, any death or workplace incident sending three or more employees to the hospital overnight must be reported to your local OSHA office within eight hours, regardless of the number of people you employ. For help in maintaining the log, please visit www.osha.gov/recordkeeping.

How do I handle inspections? How are violations handled?

There are several facts important

- OSHA prioritizes inspections based on the following: 1) work sites on which OSHA believes an imminent danger to employees exists; 2) work sites where reportable death or catastrophe has occurred; and 3) work sites that are the subject of complaints.
- Employers have the right to refuse access to an OSHA inspector, however, this does not limit OSHA's ability to observe the site from a remote location. In addition, OSHA can return with a compulsory process to mandate an inspection. If you force OSHA to use this legal process, it may not be as lenient on minor violations.
- Allowing OSHA on-site does not mean that an employer waives all rights of defending himself in either an informal conference or a formal hearing.
- Upon being issued a notice of violation, contractors always should respond in writing within 15 working days and request an informal conference with the area director. This is your best chance to reduce citations and fines.
- Citations must be posted where all employees can see them for a period of three working days, or until the violation is corrected, whichever is longer.

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- Employers should correct violations. A common misconception is that once you're caught, there's nothing you can do. When attending the informal conference, being able to prove violations were corrected as soon as they were discovered can help you tremendously in reducing citations and fines.

What if my employees are conducting business off-site?

Employers are responsible for their employees whenever they're on company time. If you send your employees to a job site, you are responsible for anticipating any hazards that employee may encounter, as well as preparing that employee for such hazards. In other words, a plumbing contractor is responsible for anticipating hazards his or her employees may encounter when working next to a building official.

Who can I turn to for help?

For further information on how to comply with OSHA, contact either your local OSHA office or Alpine Environmental Services Inc. or www.osha-slc.gov.

Information in this presentation provided by Craig Petreikis, PE, CEO, President, Alpine Environmental Services Inc., 10000 S. 2000 E., Suite 200, N.Y., UT 84040. Reached at 801-533-1234.

FIGURE 1

